

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CARLOS MUÑOZ, et al.,

Plaintiffs,

vs.

CHINA EXPERT TECHNOLOGY, INC.; PKF  
NEW YORK, CERTIFIED PUBLIC  
ACCOUNTANTS, A PROFESSIONAL CORP.;  
PKF HONG KONG, CERTIFIED PUBLIC  
ACCOUNTANTS; AND BDO MCCABE LO  
LTD., CERTIFIED PUBLIC ACCOUNTANTS,

Defendants.

07-CV-10531 (AKH)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the annexed Declaration of Elizabeth Hickey, dated December 14, 2009, and the accompanying Memorandum of Law, dated December 14, 2009, the undersigned, on behalf of Defendant BDO Limited (f/k/a BDO McCabe Lo Ltd.) (“BDO Ltd.”) hereby moves this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 14D, New York, New York 10007, for an Order dismissing the Second Amended Complaint for failure to state a claim pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) and the Private Securities Litigation Reform Act of 1995.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered in this action on October 19, 2009, Plaintiffs' opposition papers shall be submitted on or before January 28, 2010, and Defendants' reply papers shall be submitted on or before February 26, 2010.

Dated: December 14, 2009

Respectfully Submitted,

LATHAM & WATKINS LLP

By: /s/ Elizabeth H. Hickey  
Peter Wald (*pro hac vice* pending)  
James J. Farrell (*pro hac vice* pending)  
Elizabeth H. Hickey  
885 Third Ave.  
New York, New York 10022  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864

*Attorneys for BDO Ltd.*